

Remarks

Favorable reconsideration in view of the herewith presented amendment and remarks is respectfully requested.

Claims 1-10 are pending in this application.

Claim 9 has been objected because of a spelling error. This error has been deleted. It is believed that this objection is now overcome.

Claim 1 has been rejected under 35 USC §102(b) as allegedly being anticipated by Japanese Patent 60-208,971.

The Examiner states that some of the claimed compounds are disclosed in the Japanese Patent application. Applicants agree with the Examiner's opinion. Therefore, applicants have deleted the compounds disclosed in the Japanese patent from claim 1. In particular, applicants have deleted the claimed compounds in which the symbol "D" is methylene and the symbol "Y" is sulfur from claim 1 by the use of an exclusion clause.

Reconsideration and withdrawal of this rejection is requested.

Claims 1 and 3 to 9 are rejected under 35 USC 102(b) as being anticipated by U.S. 4,774,253 to Machin et al. ("Machin").

It seems that the Machin patent discloses the same compounds that are directed by claims 1 and 3 to 9 of the present application, and also discloses a pharmaceutical composition containing the same compounds. However, Machin does not disclose whether these compounds are effective in the treatment of hyperlipidemia etc., in connection with claims 3-9. Therefore,

applicants have deleted the compounds disclosed in Machin from claim 10 of the present application. In detail, applicants have deleted the compounds in which the symbol "D" is alkylene and the symbol "Y" is oxygen from claim 1 by the use of an exclusion clause. As for claims 3 to 9, applicants have changed pharmaceutical composition claims into method claims for treating each disease.

It is believed that these amendments have overcome the Examiner's rejection.

Withdrawal thereof is requested.

Claim 2 and 10 have been objected to as being dependent upon a rejected base claim.

Claim 2 and 10 are now in dependent form. It is believed that this objection is now overcome and these claims are allowable.

AUTHORIZATION

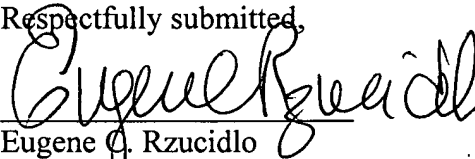
If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 801-2146. The undersigned may also be contacted by e-mail at ecr@gtlaw.com.

No additional fee is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-1561.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1561.

Dated: July 18, 2005

By: Respectfully submitted,



Eugene Q. Rzucidlo
Registration No. 31,900
Customer Number: 32361